

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Social Welfare

Directorate of Women & Child Development

Notification

2-61(1)-97/ICDS/1332

The Goa Children's Homes Rules, 2004

In exercise of the powers conferred by section 37, read with sections 6 and 38 and of all other powers conferred by the Goa Children's Act, 2003 (Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Children's Home Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003);

(b) "Children's Home" means the Children's Home registered under rule 5;

(c) "Director" means the Director, Department of Women & Child Development;

(d) "Form" means the Form annexed to these rules;

(e) "Inspection Team" means the District Inspection Team set up under sub-rule (1) of rule 3;

(f) "Secretary" means the Secretary in charge of the Department of Women and Child Development;

(g) "Section" means section of the Act.

(2) Words and phrases used but not defined in these rules shall have the meanings respectively assigned to them under the Act.

3. *District Inspection Team.*—(1) There shall be set up two District Inspection Teams, one each for North Goa and South Goa.

(2) Each District Inspection Team (hereinafter in these rules referred as "Inspection Team") shall consist of such number of members as the Secretary may deem fit depending upon the work load of the Inspection Team.

(3) The term of office of the members of the Inspection Team shall be two years.

(4) The Secretary may, after giving a reasonable opportunity of being heard and after recording reasons, remove any member referred to in sub-rule (2).

(5) All expenditure to be incurred on the functioning of the Inspection Team shall be met from the grants placed at the disposal of the Director by the State Government.

4. *Functions of Inspection Team.*— The Inspection Team shall have the following functions, namely:—

(a) to inspect, regulate and supervise all Children's Homes in its area;

(b) to arrange the transfer of management of those Children's Homes which surrendered their registration or whose registration has been cancelled.

(c) to prepare annual reports of its activities and submit them to the Director for further necessary action as he may deem fit.

5. *Registration of Children's Homes.*— (1) Any society, association or body which,—

(a) maintains or runs any Children's Home at the commencement of these rules, within three months; or

(b) intends to establish, maintain or run any Children's Home, on or after the commencement of these rules, immediately, shall apply for registration of the Children's Home to the Director in "Form A".

(2) Every application for registration of Children's Home shall be accompanied by a fee of rupees one hundred and the following particulars along with certified copies of the supporting documents:—

(i) Certificate of registration or articles of incorporation, trust documents of the body which maintains or runs the Children's Home or is intending to set up one;

(ii) area of operation of the Children's Home;

(iii) names, designation and qualifications of the Managerial staff who will run the Children's Home;

(iv) facilities, such as, educational, recreational, medical, vocational, etc. available at the Children's Home;

(v) accommodation available at the Children's Home;

(vi) information regarding separate residential and other facilities for boys and girls;

(vii) such other particulars as may be required by the Director.

6. *Inspection of Children's Homes.*— (1) The Director on the receipt of the application for

registration of any society, association or body for continuance or establishment of a Children's Home under rule 5, shall cause it to be scrutinized in his office, and if it is found correct in all respect, direct the Inspection Team to inspect the said Children's Home.

(2) The Inspection Team shall take the following aspects into account before recommending the Children's Home for registration and shall ensure that,—

(a) separate residential accommodation is available for male and female children between age group of 5 years to 10 years;

(b) boys and girls above the age of ten years are accommodated in separate buildings segregated by proper compound wall and proper security arrangements are in place;

(c) each Children's Home is a comprehensive child care centre with primary objective to promote an integrated approach to a child care involving the community and the local non-governmental organizations;

(d) the Children's Homes have the following main activities, namely:—

(i) family based services, such as, foster family care and sponsorship;

(ii) linking up with the Integrated Child Development Services to cater to the needs of children below six years;

(iii) to establish linkages with organizations and individuals to provide support services to children;

(iv) to encourage volunteers to provide for various services for children and families to become guardian.

(e) every Children's Home have the following facilities:—

(i) there shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and toilets;

(ii) the minimum standard of accommodation shall be,—

(A) Dormitory— 40 square feet per child;

(B) Classroom—sufficient accommodation;

(C) Workshop — sufficient work space;
(D) Playground — sufficient play ground area shall be provided in every home according to the total number of children in the home with provision for Indoor games.

(iii) the dormitories, classrooms and workshops shall have sufficient cross ventilation and lighting;

(iv) every Children's Home shall provide for the necessary medical facilities so as to ensure,—

(A) regular facilities for medical treatment;

(B) arrangements for the immunization coverage; and

(C) a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognized treatment centres;

(v) no surgical treatment shall be carried out on any child without the previous written consent of the parent or guardian, unless either the parent or the guardian cannot be found and the condition of the child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the child;

(vi) a health record of each child in the Children's Home shall be maintained on the basis of monthly medical check up;

(vii) appropriate clothing and bedding shall be provided according to season and age;

(viii) *Sanitation and Hygiene.*— Every Children's Home shall have the following facilities, namely:—

(A) sufficient drinking water.

(B) sufficient water for bathing and washing clothes and sufficient space for washing clothes;

(C) maintenance and cleanliness of the premises;

(D) proper drainage system;

(E) arrangements for disposal of garbage;

(F) protection from mosquitoes;

(G) sufficient number of latrines/ bathrooms;

(H) clean and hygienic kitchen;

(I) sunning of bedding and clothing.

(ix) the Children's Home shall have the following arrangement for the medical facility, with doctor and nurse:—

(A) all Children brought into the Children's Home shall be medically examined initially within 24 hours of arrival;

(B) the routine medical checkup of the children must be done on monthly basis;

(C) the sick children shall constantly be under medical supervision;

(D) in the event of break out of contagious or infectious diseases segregation of children must be ensured;

(E) the medical service shall include immunization facility as specified under the National Immunization Schedule;

(F) the medical record of each child shall be meticulously maintained.

(x) the Children's Home shall provide education to all children according to age and ability, either both inside the Children's Home or outside as per the requirement;

(xi) every Children's Home shall facilitate useful vocational training under the guidance of trained instructors.

7. *Certificate of Registration.*— (1) If, on the inspection under rule 6, the Inspection Team comes to the conclusion that the Children's Home under consideration have met with the conditions broadly specified in sub-rule (2) of rule 6, it shall recommend the registration of Children's Home, subject to such terms and conditions as it lays down,

(2) The Director shall, on the recommendation of the Inspection Team, grant registration to the Children's Home for a period of five years subject

to the terms and conditions laid down by the Inspection Team.

(3) The Director may refuse the grant of Certificate of Registration or revoke the existing one if it is brought to his notice that the Children's Home is not having required facilities or is not functioning in accordance with the terms and conditions of the Certificate of Registration:

Provided that no Certificate of Registration is cancelled unless the management of the concerned Children's Home is given a reasonable opportunity to explain its case.

(4) The management of the Children's Home, if aggrieved by the decision of the Director, may within 30 days of such decision, appeal to the Competent Authority.

(5) The Competent Authority may after hearing both sides decide the appeal and the decision given by the Competent Authority shall be final.

8. *Death of a Child.*— (1) In the event of death of a child in any Children's Home, the circumstances of the death shall be recorded in the case file of the child, by the person in charge and the counsellor giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be.

(2) The Children's Home shall send the information to the Director, the Registrar of Births and Death, and the relatives of the child, if known.

(3) The last rites shall be performed according to the religion of the child.

9. *Custodial rape or sexual abuse.*— (1) Every Children's Home shall take the following immediate action in case of happening of an event of custodial rape or sexual abuse of a child, namely:—

(i) in case any resident makes any complaint of occurrence of any event of custodial rape or sexual abuse of a child, or any such event comes to the knowledge of any concerned individual, he shall intimate it to the Director immediately, who shall order for special investigation by the Inspection Team of the said incidence.

(ii) based on the report of the Inspection Team, the Director shall with the approval of the Competent Authority, lodge a complaint to the local police station against the person suspected to have committed an offence under the relevant provisions of the Goa Children's

Act, 2003 or any other law in force, for further necessary action.

(iii) the Competent Authority shall on receipt of the information of the child abuse under this rule, proceed to take action under section 15 of the Act, as he deems fit.

10. *Supervision by Inspection Team.*— The Inspection Team shall supervise the functioning of the Children's Home in their respective area and shall observe the following norm, namely:—

(i) to visit and oversee the functioning of the Children's Homes and give suitable directions to be followed by them;

(ii) to make suggestions for the improvement and development of the institution;

(iii) to visit Homes by prior intimation or by surprise;

(iv) to interact with the children during the visits to the Homes to determine their well-being;

(v) to take follow up action on the findings and suggestions of the children and give suitable directions to the management;

(vi) to determine personnel strength of a Home according to the duty, posts, hours of duty per day as the case for each category of staff.

Explanation: The normal staffing pattern for a Children's Home with a capacity of 100 children shall have:—

S. No.	Designation	Number of Posts
(1)	Project Manager	1
(2)	Counsellor	2
(3)	House Mother or House Father	4
(4)	Case Worker	3
(5)	Educator	2 (part time)
(6)	Vocational Instructor	1
(7)	Doctor	1 (part time)
(8)	Paramedical Staff	1
(9)	Store keeper cum Accountant	1
(10)	Driver	1
(11)	Cook	2
(12)	Helper	2
(13)	Sweeper	2
(14)	Art and Craft cum Music Teacher	1 (part time)
(15)	Gardener	1 (part time)
(16)	Security Guard	1

By order and in the name of Governor of Goa.

H. D. Mashelkar, Director (Women & Child Development).

Panaji, 21st October, 2004.

FORM A

Notification

[See rule 5(1)]

2-61(1)-97/ICDS

Application for registration of Children's Home

The Goa Children (Child Labour Vigilance Officer, Task Force, Victim Assistance Unit and other Authorities) Rules, 2004

- (1) Name of the Applicant.---
Society/Association/Body/Individual.
- (2) Address in full.-
- (3) Nature of Institution--- whether Society or Association or other Body.
- (4) Whether incorporated or not.---
- (5) Incorporation under what law.---
- (6) Registration Number and other related details in case of registered societies/companies/statutory bodies.---
- (7) Financial status of the Institution.---
- (8) Certified copies of the relevant documents such as registration certificates/trust documents/incorporation document/copies of the last two years of audited Accounts and balance sheets.---
- (9) Number of children housed.---
- (10) Present accommodation available.---
- (11) Facilities available at the existing or proposed home.---
- (12) Area of operation of the Home.---
- (13) Facilities such as educational, recreational, medical, vocational and the like available at Home.
- (14) Accommodation available at the Home.
- (15) Information regarding separate residential and other facilities for boys and girls.

Yours sincerely

.....
(Office bearer of the Institution/Organization)

In exercise of the powers conferred by section 37 read with sub-section (8) of section 7, sub-section (19) of section 8, sub-sections (7), (8), (9) and (12) of section 13, section 38 and all other powers conferred by the Goa Children's Act, 2003 (Act 18 of 2003), the Government of Goa hereby makes the following rules, namely:---

1. *Short title and commencement.*--- (1) These rules may be called the Goa Children (Child Labour Vigilance Officer, Task Force, Victim Assistance Unit and other Authorities) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*--- (1) In these rules, unless the context otherwise requires,---

(a) "Act" means the Goa Children's Act, 2003 (Act 18 of 2003);

(b) "Competent Authority" means the Secretary to the Government in charge of the Department of Women and Child Development;

(c) "Council" means the State Council for Mass Media constituted under rule 9;

(d) "Director" means the Director of Women & Child Development;

(e) "Section" means section of the Act;

(f) "Unit" means the Victim Assistance Unit set up under sub-rule (1) of rule 4.

(2) Words and phrases used but not defined herein shall have the same meaning as assigned to them under the Act.

3. *Child Labour Vigilance Officer.*--- (1) The Competent Authority shall appoint an officer known as Child Labour Vigilance Officer for each Taluka.

(2) The Child Labour Vigilance Officer shall be responsible to monitor the implementation of the Plan of Action prepared by the State Government to eliminate child labour.

(3) The Child Labour Vigilance Officer shall attend to complaints relating to violation of the provisions of the Act relating to prevention of child labour in his Taluka and after due investigation into the complaint refer the matter to the Competent Authority for necessary action.

(4) The Child Labour Vigilance Officer shall be assisted in his investigation in the complaint under sub-rule (3), by the Task Force appointed by the Competent Authority in this behalf.

(5) The Task Force placed at the disposal of the Child Labour Vigilance Officer shall consist of such officers and staff as the competent Authority may think proper after taking into consideration the workload in each Taluka.

(6) (a) Every person who has in his custody any child residing with him for part time or whole time not related to him by blood shall inform the fact to the Director in Form 'A' annexed to these rules.

(b) Failure to inform the Director in terms of clause (a) within three months of the commencement of these rules shall make the person liable to be prosecuted in terms of sub-section (9) of section 8 of the Act.

4. *Victim Assistance Unit.*— (1) There shall be set up one or more Victim Assistance Units in each district to facilitate the child, who is victim of the child abuse, to deal with the trauma of abuse and also to appear before the Children's Court or any other authority before whom the child victim is to be produced.

(2) The Unit shall consist of such co-ordinators and case workers as the Competent Authority may, after taking into consideration the nature of the case decide.

(3) The members of the Unit shall be entitled to such honorarium as the State Government may notify from time to time.

5. *Functions of the Unit.*— (a) The Unit shall have the following functions, namely:—

(i) *Case Conferencing:* A case conference shall be arranged by the case-worker entrusted with the responsibility of the case within 24 hours of the reporting of the case and as often as necessary till the case is instituted in the Children's Court or the child is produced before the Competent Authority.

(ii) After the institution of the case in the Children's Court, the case conference shall be held once in a month till the case is disposed of so as to assist the normalisation of the child.

(b) *Referrals:* Where the child victim is found to be needing extremely specialised services, the case worker shall refer the matter to the Child Labour Vigilance Officer, who shall refer the child victim with the guardian *ad litem* to persons or organizations identified to be in a position to give such services.

(c) *Documentation:*—

(i) A case file shall be maintained in each case that is handled by the Unit.

(ii) General documentation and reference books of material necessary for the coordination shall be maintained with regard to day to day functioning and up-dated developments relating to every case.

(d) The Unit shall maintain a panel of doctors, forensic experts, pedestrians, psychologists, gynecologists, lawyers and other professionals necessary to facilitate proper investigations into the case and to provide proper and immediate special and support services to the child victim.

(e) An assistance shall be provided to every child victim at the time of medical examination and the concerned case-worker shall escort the child to the place of medical examination and also in respect of other matters such as Panchnama or giving evidence before any other authority.

(f) The coordinator or any of the case-worker or other staff of the Unit shall be deputed to attend hearing in Court in the best interest of the child.

6. *Quarterly Report.*— (1) The Unit shall prepare quarterly report and submit them to the Director of Women and Child Development and copy of the reports to the State Commission for Children.

(2) The quarterly report shall give a true and correct account of the work done by it and the nature of cases and kind of assistance being sought and provided by the Unit to the victims.

7. *Village and Municipal Child Committees.*— (1) There shall be a Village Child Committee constituted for every village panchayats consisting of the following members,—

(a) four persons out of whom two shall be women residing in the village panchayat to be appointed by the village panchayat by Resolution.

(b) one child above the age of fifteen years but below eighteen years of age residing in village panchayat.

(2) Every Municipality or Municipal Corporation shall be divided into four geographical units by a Resolution passed by the Municipality or the Municipal Corporation in that behalf.

(3) For each geographical unit there shall be established a Child Committee consisting of,—

(a) four persons out of whom two shall be women, residing in the geographical area for which the Committee has been constituted;

(b) one child above the age of fifteen years and below eighteen years residing in the area.

8. *Procedure for the Committee and allowances of their Members.*— (1) The Committees shall ensure the best interest of the child and provide recreational and play facilities for children in their respective area of operation.

(2) The Committees shall follow their own rules of procedure.

9. *State Council for mass media.*— (1) There shall be constituted a Goa Children Council for mass media consisting of,—

- | | |
|--|------------------------|
| (a) Secretary, Women and Child Development- | ex officio Chairperson |
| (b) Director, Information Department- | ex officio Member |
| (c) One eminent journalist- | Member |
| (d) One expert from electronic media, who is specialized in internet and information technology- | Member |
| (e) Chairperson of the State Commission for Children- | ex officio Member |

(f) The Deputy Superintendent of Police, preferably acquainted with the information technology and mass media-

(g) Director, Women and Child Development- Member Secretary.

(2) The Council shall observe its own procedure in respect of conducting its meetings.

(3) The non-official members of the Council shall be paid such honorarium as the State Government may from time to time decide.

10. *Council to prepare guidelines.*— (1) The Council shall prepare appropriate guidelines for the protection of children from information and materials injurious to their well-being, and for preventing children from harmful exposure of the material appearing in mass media.

(2) The guidelines prepared by the Council shall be submitted by way of report to the State Government.

(3) The State Government shall approve the guidelines, with such changes as it may deem fit and publish the guidelines in the Official Gazette.

11. *Council to be Advisory Group for internet.*— (1) The Council constituted under sub-rule (1) of rule 9, shall also function as Special Advisory Group for suggesting ways to protect children from harmful influences of the internet.

(2) The suggestions of the Council made under sub-rule (1) shall be included in the guidelines prepared by the Council under sub-rule (1) of rule 10 and published in the Official Gazette under sub-rule (3) of that rule.

By order and in the name of Governor of Goa.

H. D. Mashelkar, Director (Women and Child Development).

FORM—A

[See rule 3(6) (a)]

Information in respect of custody of child/s in terms of sub-section (4) of section 8

To,
The Director,
Women & Child Development,
Government of Goa,
Panaji.

Dear Sir,

This is to inform you that I/We Resident of
.....Have in my/our custody the following child/
/children, who is/are not related to me.

The said child/children are in my/our custody for part time i.e. from..... to/
for whole time and reside with me/us.

Yours sincerely,

1.
(.....)

2.
(.....)

at
(place of residence)

Dated: